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PRODUCTS, INC.
7

8
UNITED STATES DISTRICT COURT
9
SOUTHERN DISTRICT OF CALIFORNIA
10

11 Jeanne Burns, individually and on behalf
12 of all others similarly situated,

13 Plaintiff,

14 v.

15 Tristar Products, Inc., a Pennsylvania
Corporation, and Does 1 through 50,
16

17 Defendant.

CASE NO. 14-cv-00749-JAH-DHB

Hon. John A. Houston
Courtroom 13B

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS THE COMPLAINT**

[Fed. R. Civ. P. 12(b)(1)]

Date: June 16, 2014
Time: 2:30 p.m.

Action Filed: April 1, 2014
Trial Date: None set

VENABLE LLP
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LOS ANGELES, CA 90067
310-229-9900

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on June 16, 2014 at 2:30 p.m., or as
3 soon thereafter as the matter may be heard before the Honorable John A. Houston,
4 located at 333 West Broadway, San Diego, California 92101, Defendant Tristar
5 Products, Inc. (“Defendant”) will and hereby does move to dismiss the Complaint
6 filed by Plaintiff Jeanne Burns (“Plaintiff”), pursuant to Federal Rule of Civil
7 Procedure 12(b)(1). This Motion is made on the grounds that Plaintiff lacks
8 standing under Article III of the United States Constitution to assert claims for
9 injunctive relief because there is no likelihood that Plaintiff will suffer a future
10 injury.

11 This Motion is based on this Notice of Motion and Motion, the concurrently
12 filed Memorandum of Points and Authorities, all other pleadings, records, and
13 papers filed in this action, and upon such matters as may be presented to the Court
14 at the hearing on this Motion.

15 DATED: April 17, 2014

16 VENABLE LLP

17 By: /s/ Jennifer Levin

18 Jennifer Levin
19 Melissa C. McLaughlin
20 Attorneys for Defendant TRISTAR
21 PRODUCTS, INC.
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